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OFFICE OF PETITIONS

In re Application of :
Muyres, et al. :
Filed: August 18, 2003 : ON PETITION
Application No. 10/642,919 :
Atty. Dkt. No.: 58434US002 :

This decision in response to the petition filed May 24, 2004 in response to the Notice of Incomplete Nonprovisional Application ("Notice") mailed March 24, 2003 for withdrawal of said Notice and accordane of an August 18, 2003 filing date for the above-identified application.

The application was submitted August 18, 2003. The Notice indicated that the application had not been accorded a filing date because the application appeared to have been deposited without drawings as required under 35 USC 113.

In response, the present petition was filed wherein petitioners argue that the application as deposited included one (1) drawing sheet. Petitioners have included as proof of mailing and proof of receipt of the drawing sheet a return postcard date stamped by the Office on August 18, 2003. A copy of the original drawing sheets purportedly filed with the application on August 18, 2003 was also supplied.

The original drawing sheet submitted with the application papers has not been located. However, in view of the evidence presented, the Notice is hereby **WITHDRAWN** and the petition to accord the application a filing date of August 18, 2003 is **GRANTED**.

Since the original drawing sheet cannot be located in the Office, the copy supplied with the instant petition will be used for examination purposes.

No petition fee is due in connection with this matter. The previously submitted petition fee of \$130.00 has been credited to deposit account No. 13-3723.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of August 18, 2003.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

A handwritten signature in cursive script, appearing to read "Alesia M. Brown".

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions